

#### U.S. Department of Justice

## United States Attorney Eastern District of New York

NMA/RMN/AL

271 Cadman Plaza East
Brooklyn, New York 11201

May 29, 2012

#### By Electronic Mail

Sarita Kedia, Esq. Elizabeth Macedonio, Esq. Gerald McMahon, Esq.

Re: United States v. Francis Guerra, et al. Criminal Docket No. 10-0147 (S-4) (SLT)

Dear Counsel:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, the government hereby provides notice that it intends to call the experts listed below (instead of Detective Steven Fiorica) related to their examination of the ballistics and firearm evidence recovered in connection with the 1993 murder of Joseph Scopo.

#### I. <u>Ballistics Examiner Testimony</u>

# A. Detective Eric Semler Firearms Expert

The government will seek to qualify Detective Eric Semler of the New York Police Department ("NYPD") as an expert in the field of firearms. He is expected to testify to the operability of the firearm and silencer recovered from the crime scene related to the murder of Joseph Scopo. Detective Semler has been assigned to the Firearms Analysis Section of the NYPD for approximately 4 years. Detective Fiorica has tested the operability of over 2,000 firearms in his career, and has previously been qualified as an expert witness in state and federal court. His report of examination is attached hereto.

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### B. Detective Greg DiCostanzo Microscopic Analysis Expert

The government will seek to qualify Detective Greg DiCostanzo of the NYPD as an expert in the field of microscopic analysis. He is expected to testify to the results of his analysis of the ballistics evidence recovered from the crime scene related to the Scopo murder. Detective DiCostanzo has been assigned to the Firearms Analysis Section of the NYPD for approximately 8 years. Detective DiCostanzo has examined over 10,000 pieces of ballistics evidence in his career, and has previously been qualified as an expert witness in state and federal court. His report of examination and statement of qualifications are attached hereto.

If you have questions or requests regarding the contents of this letter, please contact us.

Very truly yours,

LORETTA E. LYNCH United States Attorney

By: /s/
Nicole M. Argentieri
Rachel M. Nash
Allon Lifshitz
Assistant U.S. Attorneys

Enclosures

cc: Defense Counsel (by ECF) (w/o enclosures)
Clerk of the Court (SLT) (by ECF) (w/o enclosures)